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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,188	12/30/2002	Bradbury Frank Golledge		2244

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EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/869,188	Applicant(s) GOLLEDGE, BRADBURY FRANK	
	Examiner Phi D. A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 28, 30, 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Per claim 28, the specification allows for the “elongate web structural members being...box section”, not the elongate structural members. Also, “said two web elements and said third web element being perpendicular to and adjoining the said two web elements” is confusing and not enable. A structure “said two web elements” cannot be perpendicular and adjoining to themselves.

Per claims 30, 41, the specification allows for the “elongate structural web elements” having a V-profile, not the elongate structural elements. The claim is not enabled by the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 27, 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27, the limitations of claim 27 already exist in independent claim 24. The claim is thus redundant and indefinite.

Claim 40 is indefinite as the limitation “inverted C-section” is trying to redefine a structure “inverted top-hat section” which is already defined. It is thus confusing the claim.

5. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble appears to claim the building as a subcombination with the floor framing system. However, the claimed language “framework members supported by a building”, “framework members supporting flooring material and ceiling linings” are claiming the floor framing system in combination with the building, the flooring material, and the ceiling linings. The claim is thus indefinite. The claim is examined as best understood to that of a subcombination.

The claims are examined as best understood.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Carns (1706996).

Carns shows a floor framing system (inherently capable of functioning as a floor framing) comprising a plurality of elongated load bearing framework members, the members is adapted to support flooring material and ceiling linings (inherently able to adapt to do so) and having at least two elongate structural members (19) and at least one structural web member (13, 14, 12, 10) extending between the elongate structural members, the elongated structural members are shaped as and resemble an inverted top-hat section having two flange elements (19) perpendicular to and adjoining two web elements (17), and a third web element perpendicular to and adjoining the two web elements, the two flange elements being perpendicular to the two web elements, said at least one structural web member having at least one web element substantially upright (the mid section 12), at least one flange element ((16, figure 3) perpendicular to at least one said web element, the at least one web element of the at least one structural web member mates at mating locations with the web elements of the elongate structural member for allowing connection means to be applied at said mating locations.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 24-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (4878323) in view of Stromback (4982545).

Nelson figure 14 shows a floor framing system (inherently capable of functioning as a floor framing) comprising a plurality of elongated load bearing framework members, the members is adapted to support flooring material and ceiling linings (inherently able to adapt to do so) and having at least two elongate structural members (50) and at least one structural web member (the parts extending between the bottom and top 50) extending between the elongate structural members, the elongated structural members are shaped as and resemble an inverted top-hat section having two flange members (the part connecting to part 27 at the top of figure 4) perpendicular to and adjoining two web elements (27), and a third web element perpendicular to and adjoining the two web elements, the two flange elements being perpendicular to the two web elements, said at least one structural web member having at least one web element substantially upright (the web of the U-shape of part 29 and 28), the at least one web element of the at least one structural web member mates at mating locations with the web elements of the elongate structural member for allowing connection means to be applied at said mating locations, the third web element of said elongate structural members being discontinuous (at 43a-c), the third web element being discontinuous in areas of discontinuities formed by notches or opening in the third web element, the web elements of the elongate structural members have ends that are notched (the notches are part of the channel on the interior of part 50 wherein part 29 is inserted) so that the two flange elements enclose the web elements of the elongate structural elements, at least one of the elongate structural elements is bent with a V-profile (figures 3, 14), the elongate structural members including a slot (43c) for allowing the elements to be bent (easier to bent from one side

to the other), the longitudinal central axes of the elongate structural members and the at least one structural web member being substantially centrally aligned, the at least one structural web member being perpendicular to the elongate structural member (figure 14, 11, part 28), the at least one structural web member(29, figure 14, 11) is diagonal to the elongates structural members, the elongate structural members are substantially parallel, at least one stiffening member (14) oriented substantially perpendicularly to a longitudinal axis of the elongate structural members, the third web element of the elongate structural members is discontinuous in areas formed by notches or openings, the at least one web structural member being shaped as and resembles an inverted C-section with said two flange elements and one said web elements.

Nelson does not show at least one flange element perpendicular to at least one said web element of said web structural member.

Stromback shows a web structural member (19) having at least one flange (the top part of the web element of figure 4) perpendicular to the vertical web (3), the member having a box-shape configuration.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Nelson's structure to show at least one flange element perpendicular to at least one said web element of said web structural member because the examiner takes Official Notice of the equivalence of a box-shape member and a U-shaped member for their use in the structural frame art and the selection of any of the these known equivalents to support the frame would be within the level of ordinary skill in the art.

Per claim 28, Nelson as modified shows the elongate web structural members being shaped as and resemble a box section having a slit in one side with said two flange elements being separated by the slit.

Response to Arguments

10. Applicant's arguments with respect to claims 24-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized loop at the end.

Phi Dieu Tran A

6/26/05